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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,980	12/02/2003	Lloyd Herbert King JR.	5768	1870
7590	12/01/2004		EXAMINER	
Carl L. Johnson Jacobson and Johnson Suite 285 One West Water Street St. Paul, MN 55107-2080			LE, THANH TAM T	
			ART UNIT	PAPER NUMBER
			2839	
			DATE MAILED: 12/01/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/724,980	KING ET AL.
	Examiner Thanh-Tam T. Le	Art Unit 2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5-21, 24-47 is/are rejected.
- 7) Claim(s) 4,22 and 23 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/22/04.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. The Restrictions that mailed 09/09/04 has been withdrawn.

Claim Objections

2. Claims 15, 17, 22, 30, 35 and 39 are objected to because of the following informalities:

Claim 15, line 1, "the latch member" lacks an antecedent basis.

Claim 17, line 1, "ishingedly" should be changed -- is hingedly --.

Claim 22, line 2, "forrotatingly" should be changed -- for rotatingly --.

Claim 30, line 1, "wireconnector" should be changed -- wire connector --.

Claim 35, line 1, "connectorlug" should be changed -- connector lug --.

Claim 39, line 1, "afilm" should be changed -- a film --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-8, 11-17, 1921, 24-34, 38-43 and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama et al. (5,569,882).

Regarding claims 1, 16-17, 24-25, 27-28, 39 and 41, Yokoyama et al., figure 2, disclose an open-face electrical connector comprising:

- a housing (27a) having a chamber (55a);
- a sealant (91) located in the chamber;
- a wire connector lug (89) having an open jaw for lateral insertion of an electrical wire (83);
- a cover (27b) and
- a hinge (31).

Regarding claims 2 and 33, the hinge comprising a living hinge connecting the housing and the cover.

Regarding claims 3, 7, 19, 30-31 and 38, the wire connector lug having an I shape with an open jaw at each end, a cylindrical shaped wire receiver.

Regarding claims 5, 8 and 20, the cover and the housing comprising an electrically insulating material, a polymer plastic.

Regarding claim 6, the wire connector lug comprising an electrical conductor.

Regarding claims 11, 26 and 29, the sealant in the chamber comprising an amount sufficient to fill the chamber in the housing when the wire connector lug is positioned in the chamber.

Regarding claim 12, the wire connector lug is frictionally held in the cover.

Regarding claims 13, 34 and 40, the housing including a wire access opening on each side.

Regarding claims 14-15, 21 and 32, figure 3, the housing including a first latch

member and the cover including a second latch member that cooperatively hold the cover in a closed condition, one of the latch members comprising an elongated opening and the other latch member comprising a lip (35) for insertion into the elongated opening.

Regarding claims 42-43 and 45-47, the features in the method claims are identical to those in the apparatus claims. Therefore, the method of forming a branch attachment alone is not a patentable feature.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-10, 18, 35-37 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al. (5,569,882).

Regarding claims 9-10, 18 and 44, Yokoyama et al. disclose the instant claimed invention as described above except for the sealant comprising a viscous sealant and silicone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yokoyama et al. to have the sealant comprising a viscous sealant and silicone, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended

use as a matter of obvious design choice. In re Leshin, 125 USPQ 416 for better protection.

Regarding claims 35-37, Yokoyama et al. disclose the instant claimed invention as described above except for the wire connector lug including J-shaped wire receiver or three wire receiver.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Yokoyama et al. to have the wire connector lug including J-shaped wire receiver or three wire receiver, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955), for better connection.

Allowable Subject Matter

7. Claims 4 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. None of the reference discloses the wire connector lug having a threaded member for rotatably engagement with the electrical wire, in combination with the other claimed elements of the embodiments recited.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL.
11/26/04.

T. Le

T. Le